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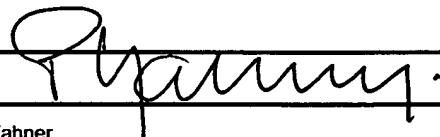
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Total Number of Pages in This Submission

|                        |              |
|------------------------|--------------|
| Application Number     | 10/643,270   |
| Filing Date            |              |
| First Named Inventor   | Peter Zahner |
| Art Unit               |              |
| Examiner Name          |              |
| Attorney Docket Number |              |

| ENCLOSURES (Check all that apply)   |   |   |
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| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
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| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
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| Remarks   |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |  |          |  |
|--------------|--|----------|--|
| Firm Name    |  |          |  |
| Signature    |  |          |  |
| Printed name | Peter Zahner   |          |  |
| Date         | 3/16/05  | Reg. No. |  |

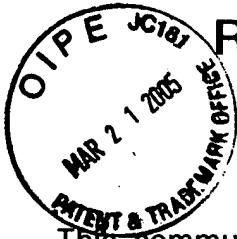
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| Signature             |  |      |         |
| Typed or printed name | Peter Zahner   | Date | 3/16/05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Response to a first Office Action

Application No. 10/643,270

This communication is a response to a first Office Action having a mailing date of 12/21/2004 and setting forth a shortened statutory period for response of three months which would expire on 03/21/2005.

The examiner's action has been studied carefully and in response thereto, the applicant will remit a rewritten specification by correcting punctuation errors, misspelled words and by including explanations for the words "synergistic" and "synergistically". Also, the applicant corrected some errors discovered in studying the specification.

Also, the claims have been corrected to overcome the rejection under 35 U.S.C. 112. By making the above noted additions and corrections, the applicant has observed the mandates of 37 CFR 1.121.

### Claim rejections under 35 U.S.C § 103

Claims 1 - 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Rigal (US 5,618,521) in view of McCook (US 5,306,486) and Pawelek (US 5,618,519).

The examiner is correct in observing that Rigal teaches the combination of titanium dioxide and zinc oxide with a green tea extract. It is pointed out to the examiner that Rigal teaches the inclusion of green tea in a concentration between 0.1 to 2% by weight. Applicant includes a concentration by weight of 6% by weight. See page 5. This is quite a different concentration from Rigal. The examiner is also correct in observing that there is no teaching of including Bio melanin in the composition of Rigal.

The examiner further states "that McCook et al disclose using green tea extract in a concentration ranging from 0.01 to 10% by weight and a sunscreen compound such as titanium dioxide or zinc oxide with a concentration ranging from